

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

PETER GRANTON,

Plaintiff,

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

---

**NOTICE OF REMOVAL**

Civil Action #: 1:20-cv-6233

**TO: United States District Court  
Eastern District of New York**

Pursuant to 28 U.S.C. §1441 and 1332, the action entitled *Peter Granton v. Lowe's Home Centers, Inc.* commenced in the Supreme Court of the State of New York for the County of Richmond, Index Number 150389/2020, is hereby removed by Defendant, Lowe's Home Centers, LLC (hereinafter "Lowe's" or "Defendant"), from the Supreme Court of the State of New York, County of Richmond to the United States District Court for the Eastern District of New York by the filing of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of New York.

Defendant, by and through its attorneys, Goldberg Segalla LLP, respectfully states the following as grounds for removing this action:

**Procedural History**

1. On or about February 24, 2020, the above-captioned civil action was commenced in the Supreme Court of the State of New York, County of Richmond. Plaintiff's Summons and Complaint were assigned Index Number 150389/2020 (hereinafter, the "State Court Action").

2. According to the Affidavit of Service filed on June 2, 2020, plaintiff served Lowe's authorized agent on May 20, 2020.

3. Copies of all process, pleadings, and orders served upon parties in the State Court

Action are attached hereto as **Exhibit A**.

4. The State Court Action seeks monetary damages for personal injuries allegedly suffered by plaintiff, Peter Granton, while shopping at the Lowe's Home Improvement retail store located at 2171 Forest Avenue, Staten Island, New York.

### **Parties**

5. Upon information and belief, plaintiff is a resident of Richmond County, State of New York.

6. Defendant is incorporated under the laws of the state of North Carolina and has a principal place of business in North Carolina.

7. More specifically, Lowe's Home Centers, LLC, is a limited liability company organized under the laws of North Carolina and with a principal place of business at 1000 Lowe's Boulevard, Mooresville, North Carolina 28117.

8. The sole member of Lowe's Home Centers, LLC is Lowe's Companies, Inc.

9. Lowe's Companies, Inc. was incorporated under the laws of North Carolina and has a principal place of business at 1000 Lowe's Boulevard, Mooresville, North Carolina 28117.

10. Accordingly, full diversity exists between the parties.

### **Jurisdiction**

11. This Court has subject-matter jurisdiction of the action pursuant to 28 U.S.C. § 1332 because it is a civil action between citizens of different states, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

### **Basis for Removal**

12. This Court has subject-matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332. Venue is proper pursuant to 28 U.S.C. § 1441(a) because this is the federal district court for the district embracing the place where the state court suit is pending.

13. Though the Complaint does not state the amount of damages that will be sought,

on or about November 25, 2020, plaintiff made a written demand of \$90,000 to resolve his claims against Lowe's. Therefore, it is Lowe's good faith belief that the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. Plaintiff's correspondence dated November 25, 2020 is attached as **Exhibit B**.

14. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon plaintiff, by and through his attorneys of record, and is being filed with the Clerk of the Court of the State of New York, Supreme Court, County of Richmond.

15. Copies of all process, pleadings, and orders served upon Defendant in the State of New York Supreme Court, County of Richmond, Index No. 150389/2020, are attached as Exhibit A.

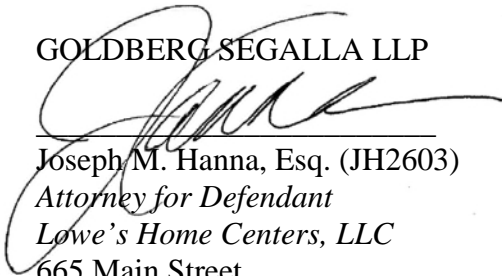
16. By filing this Notice of Removal, Defendant does not waive any defenses which may be available to it, including, but not limited to, its right to contest *in personam* jurisdiction over Defendant and improper service of process.

17. No previous application has been made for the relief requested herein.

**WHEREFORE**, Defendant files this Notice of Removal so that the State Court Action bearing Index No. 150389/2020 now pending in the State of New York, Supreme Court, County of Richmond be removed to this court for all further proceedings.

Dated: Buffalo, New York  
December 23, 2020

GOLDBERG SEGALLA LLP



Joseph M. Hanna, Esq. (JH2603)

*Attorney for Defendant*

*Lowe's Home Centers, LLC*

665 Main Street

Buffalo, New York 14203-1425

(716) 566 - 5400

[jhanna@goldbergseglla.com](mailto:jhanna@goldbergseglla.com)

TO: James Maleady, Esq.  
Law Offices of James Maleady, P.C.  
*Attorneys for Plaintiff*  
292 Nelson Avenue  
Staten Island, New York 10308  
(347) 452-3703  
[maleady@nyaccident.com](mailto:maleady@nyaccident.com)